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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,044	06/09/2000	Christopher J. Duguay	SYNER-164XX	2567

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER

HUYNH, KIM T

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,044

Applicant(s)

DUGUAY ET AL.

Examiner

Kim T. Huynh

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/09/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by

Sotek et al. (US Patent 6,209,022)

a. As per claims 1, 6 Sotek discloses a system for transferring data between a plurality of devices, comprising:

- a bus including at least one data line for transmitting the data and at least one clock line; and (col.3, lines 34-40)
- at least one first device communicably coupled to the bus, (col.3, lines 34-40)
- wherein the first device is operative at a first clock rate and at a second reduced clock rate, the reduced clock rate being less than the first clock rate, and (col.2, lines 16-21), (col.4, lines 46-56)
- wherein the first device is operative to receive at least a portion of the data transmitted over the data line, and to store the at least a portion of the data in a register, and (col.4, lines 46-56)

- the even the first device is operating at the reduced clock rate, to drive the clock line to a first predetermined logic level while the data is stored in the register, thereby enabling data transfer between the first device and at least one second device over the bus while the first device operates at the reduced clock rate. (col.7, lines 1-21), (col.5, lines 18-25)
- b. As per claims 2, 7, Sotek discloses wherein the first device is further operative at lest at the second clock to clear the data from the register upon completion of the data transfer. (col.5, lines 5-25), (col.7, lines 4-21)
- c. As per claims 3, 8, Sotek discloses the system further including pull-up circuitry for pulling the clock line to a second predetermined logic level and wherein first device is further operative to release the clock line upon completion of the data transfer to allow the clock line to be pulled to the second predetermined logic level by the pull-up circuitry. (col.3,lines 61-71), (col.4, lines 1-27), (col.5, lines 18-25)
- d. As per claims 4, 9, Sotek discloses the system further including pull-up circuitry for pulling the clock line to a second predetermined logic level, and wherein, upon completion of the data transfer, the first device is further operative to clear the data from the register, to release the clock line to allow the clock line to be to the second predetermined logic level by the pull-up circuitry. (col.4, lines 1-42), (col.5, lines 5-25), (col.7, lines 4-11)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sotek et al. (US Patent 6,209,022) in view of Applicant Admitted Prior Art (AAPA).

Sotek discloses all the limitations as above except the bus comprises an SMBus. However, AAPA discloses SMBus was originally developed to have increasingly incorporated power management. (see page 1, background of the invention)

It would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate AAPA's teaching into Sotek's method to include SMBus so as to have increasingly energy efficiency for the system.

Response to Amendment

4. Applicant's arguments filed on 5/16/03 have been considered but are moot in view of the new ground(s) of rejection.

a. In response to applicant's argument that Carson's fails to disclose the operation of driving the clock line to a first predetermined logic level while the data is stored in the register. However, Sotek discloses those slave stations which output bits of the first logic state 0, but detect that the line C/D is nevertheless discharged,

deactivate themselves. The only those slave stations which are currently outputting a bit of the second logic state 1 remain active(col.5, lines 18-25). Furthermore, Sotek discloses data stored in the data memory via data line while commands confirmations are exchanged via command line. (col.7, lines 12-21)

Conclusion

5. *A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) months from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) months from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C 133).*

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

6. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703)305-5384 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 8:30AM- 6:30PM.*

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815 or via e-mail addressed to [mark.rinehart@uspto.gov]. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7249 for regular communications and (703)746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5631.

Kim Huynh

June 14, 2003


RUPAL DHARIA
PRIMARY EXAMINER